

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHAWN DERR, JEFF DERR,

Plaintiffs,

vs.

BOBBY GROVE, ANNETT
HOLDINGS, Inc.;

Defendants.

4:13CV3078

ORDER

Plaintiff Jeff Derr's counsel was granted leave to withdraw on May 5, 2014. He was given until May 23, 2014 to either: (a) obtain the services of counsel and have that attorney file an appearance in this case; or (b) file a statement notifying the court of his intent to litigate this case without the assistance of counsel, and was warned that the failure to do so may result in a dismissal of Plaintiff's claims without further notice.

Prior to withdrawing and on February 27, 2014, counsel for Plaintiffs filed a Suggestion of Death on behalf of Plaintiff Shawn Derr, (Filing No. 34). This court ordered that on or before May 28, 2014, the decedent's successor or representative or the remaining plaintiff shall file a motion for substitution and that absent such substitution, the claims of the decedent would be subject to dismissal. (Filing No. 35).

To date, Jeff Derr has not informed the court whether he intends to proceed pro se or with new appointed counsel, nor has a motion for substitution been filed.

Accordingly,

IT IS ORDERED:

- 1) Plaintiff Jeff Derr is given until June 23, 2014 to show cause why the court should not dismiss his claims, and those of Shawn Derr, his deceased wife, for want of prosecution and without further notice.
- 2) The clerk shall mail a copy of this order to Plaintiff Jeff Derr at:

305 6th Street
Boelus, NE 68820

Dated this 3rd day of June, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge